

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

19-CV-01157-EAW

THE PREMISES AND REAL PROPERTY WITH
ALL BUILDINGS, APPURTENANCES, AND
IMPROVEMENTS, LOCATED AT 7405
MORGAN ROAD, LIVERPOOL, NEW YORK, *et*
al.,

Defendants.

**FOURTH STIPULATION TO EXTEND CLAIMANTS' TIME
TO FILE CLAIM AND ANSWER IN THE CIVIL FORFEITURE ACTION**

WHEREAS, on August 28, 2019, the United States of America filed an action *in rem* for the forfeiture of certain real properties listed above as set forth in the civil complaint for forfeiture in the above-referenced action (the “Complaint”) (Docket No. 1);

WHEREAS, counsel for LNR Partners, LLC, which is the servicer for Wells Fargo Bank, National Association, as Trustee, for the benefit of the Holders of COMM 2014-CCRE21 Mortgage Trust Commercial Mortgage Pass-Through Certificates (collectively the “Claimants”), that is the owner and holder of loans secured by the real property at 14630 Autumn Ridge Lane (Lot 3A County Route 202), Watertown, NY 13601, known as the Preserve at Autumn Ridge I and owned by Preserve at Autumn Ridge I LLC (the “Property”), contacted the government to seek an extension of time to file a Claim and Answer in the civil

forfeiture action due to ongoing discussions and related matters regarding the Property;¹

WHEREAS, in order for discussions with respect to the Property to continue to progress and/or conclude, good cause exists to extend the deadline for the filing of a verified Claim and Answer;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, by and between the plaintiff United States of America, by its attorney, James P. Kennedy, Jr., United States Attorney for the Western District of New York, and Mary Clare Kane, Assistant United States Attorney, of counsel, and Barry M. Benjamin, Esq., attorney for the Claimants, that:

1. Due to the complexity of ongoing discussions and negotiations pertaining to the Property, as well as the ongoing COVID-19 health crisis, the parties agree that there is good cause to extend the Claimants' time to file a Claim and Answer in the civil forfeiture action against the Property, as required by Title 18, United States Code, Section 983(a)(4)(A), 983(a)(4)(B) and Rule G(5)(a) and Rule G(5)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, to September 30, 2020 and that all time elapsed thus far since the filing of the civil complaint for forfeiture is tolled.
2. The real property named in the civil complaint for forfeiture to which the Claimants may have an interest is known as follows and is more fully described in sub-paragraph 1 (d) of the civil judicial forfeiture complaint, Docket No. 1, incorporated herein by

¹ Prior stipulations sought by counsel included three additional properties that are no longer subject to the Complaint or in which the claimants' interest has been satisfied and thus are not included here.

reference, as the Preserve at Autumn Ridge I (Preserve at Autumn Ridge I LLC).

3. Nothing in this Stipulation confers automatic standing on the Claimants nor shall it limit the right of the United States of America to present any and all of its arguments in favor of civil forfeiture to the Court during the pendency of the civil forfeiture action, including, but not limited to, whether a party has proper standing in this litigation.
4. Nothing in this Stipulation shall limit any party, any other Claimant or any other potential claimant's right to file a verified claim and answer with respect to the above-referenced real properties or putting forth any argument with respect to standing.

DATED: Buffalo, New York, July 26, 2020.

JAMES P. KENNEDY, JR.
United States Attorney
Western District of New York

S/Mary Clare Kane
Assistant United States Attorney
138 Delaware Avenue
Buffalo, NY 14202
716-843-5809
mary.kane@usdoj.gov

July 26, 2020

Dated

S/Barry M. Benjamin
Attorney for Claimants

LNR Partners, LLC, and

*Wells Fargo Bank, National Association, as Trustee, for the
benefit of the Holders of COMM 2014-CCRE21 Mortgage
Trust Commercial Mortgage Pass-Through Certificates,*

Kilpatrick Townsend & Stockton LLP
1114 Avenue of the Americas, 21st Fl.
New York, NY 10036

SO ORDERED.

ELIZABETH A. WOLFORD
U.S. DISTRICT COURT JUDGE
July 2020